

Mark C. Manning
Mark C. Manning, P.C.
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Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

CITICAPITAL COMMERCIAL CORP,)	
)	
Plaintiff,)	
)	
v.)	
)	
EGEGIK SPIRIT, official number)	
299957, her equipment, gear, furniture,)	
apparel, fixtures, tackle, boats, machinery)	
anchors and all appurtenances, <i>in rem, et al.</i> ,)	
)	
Defendants.)	IN ADMIRALTY
)	No. A-04-0147 CV (RRB)

DECLARATION OF MARK C. MANNING
28 U.S.C. §1746

Mark C. Manning states the following under oath:

1. I am an adult, am competent to give testimony, and have personal knowledge of the facts set forth herein. I am and have been the lawyer who has exclusively prosecuted this action from its inception.
2. On February 27, 2006, I received by e-mail the Magistrate Judge's February 27th Final Recommendation on Plaintiff's pending motions for partial summary judgment. This was my first knowledge that Defendants had filed objections to the January 20th Recommendation for disposition of those motions. I had perceived no need for Plaintiff to file objections to the January Recommendation because the Recommendation was in favor of Plaintiffs on all points. Had I been aware of Defendants' objections, I am sure we would have filed a response to those objections.
3. The reason I was unaware of the filing of Defendants' objections is that I

evidently deleted the court's ECM message from my e-mail In-box before recognizing and reading it. It is apparent that prudence dictates obtaining a dedicated e-mail address to communicate with the court's new electronic filing system, to avoid losing ECF messages among the clutter of spam and other messages, and we are doing that this afternoon.

Executed on March 3, 2006.


Mark C. Manning